

Misbranding of the product was alleged for the reason that the label thereof bore statements, designs, and devices regarding the article and ingredients and substances contained therein which were false and misleading, and said label was calculated to deceive and mislead the purchaser thereof, in that it would indicate that the article was imported from Italy, whereas, in truth and in fact, it was manufactured in the United States, and in that said article purported to be a foreign product, when it was not so, but was a product of the United States, and said article was further misbranded, in that it was sold under the distinctive name of another article, to wit, vermouth, and said article was not vermouth, but was an imitation thereof. Misbranding was alleged for the further reason that the statement on the label of the article regarding it, to the effect that it was vermouth, was false and misleading, in that said article was not vermouth, but was an imitation vermouth consisting of a mixture of alcohol, water, and herbs.

On November 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$65.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2949. Adulteration and misbranding of "liquid smoke." U. S. v. Figaro Chemical Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 4692. I. S. No. 15637-d.)

On November 5, 1912, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Figaro Chemical Co., a corporation organized under the laws of the State of Arizona and engaged in business at Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act on October 17, 1911, from the State of Texas into the State of Missouri, of a quantity of so-called liquid smoke, which was adulterated and misbranded. The product was labeled: "Figaro Preservar Trade Mark A Liquid Smoke manufactured only by Figaro Chemical Company, Dallas, Texas. Figaro Preservar and Liquid containing all the properties of wood smoke * * * Figaro Preservar was patented August 20th, 1907. There can be no substitute. We hereby guarantee our product under the United States Food and Drug Act of June 30th, 1906; Serial No. 3923 * * * Figaro Chemical Company, Dallas, Texas."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: The odor, general appearance, precipitated and dissolved tar, acidity, behavior on distillation, neutralization, and oxidation, together with the presence of methyl alcohol and acetone, indicated that this product was pyroligneous acid. Adulteration of the product was alleged in the information for the reason that it contained an added poisonous or deleterious ingredient which might render it injurious to health, to wit, wood alcohol. Misbranding was alleged for the reason that the product was labeled as above set forth, which label and labels were untrue and were false and misleading in that the product was not liquid smoke, but was in fact a solution of crude pyroligneous acid.

On January 17, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2950. Misbranding of sirup. U. S. v. Colorado Syrup Co. Plea of guilty. Fine, \$1 and costs. (F. & D. No. 4701. I. S. No. 18173-d.)

On April 30, 1913, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Colorado Syrup Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the Food and

Drugs Act, on March 1, 1912, from the State of Colorado into the State of Texas, of a quantity of sirup, which was misbranded. The product was labeled: "Vincent's Sugar Maple Flavor Syrup, guaranteed free from glucose, Colorado Syrup Co., Denver, Colo., 2½ lbs. net."

Examination of eight samples of the product by the Bureau of Chemistry of this department showed the following results: Net weight, sample No. 1, 2.22 pounds; net weight, sample No. 2, 2.11 pounds; net weight, sample No. 3, 2.16 pounds; net weight, sample No. 4, 2.14 pounds; net weight, sample No. 5, 2.24 pounds; net weight, sample No. 6, 2.21 pounds; net weight, sample No. 7, 2.16 pounds; net weight, sample No. 8, 2.21 pounds; average net weight, 8 samples, 2.18 pounds; average shortage, 12.8 per cent. Misbranding of the product was alleged in the information for the reason that the labels on the cans were false and misleading, and so worded as to deceive and mislead purchasers into the belief that each of the cans contained 2½ pounds, or 40 ounces, of sirup, whereas, in truth and in fact, each of the cans did not contain 2½ pounds, or 40 ounces, of sirup, as marked and branded on said labels, but, on the contrary, each of the cans contained a much smaller amount, to wit, not more than 2.24 pounds, or 35.84 ounces, of said sirup. Misbranding was alleged for the further reason that the labels on the cans did not correctly state the weight of the contents of said cans for the reason that each of said cans did not contain 2½ pounds, or 40 ounces, of sirup, but instead contained a very much smaller amount, to wit, not more than 2.24 pounds, or 35.84 ounces.

On May 27, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$1 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., March 30, 1914.

2951. Misbranding of chewing gum. U. S. v. The Sen-Sen Chiclet Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4709. I. S. No. 17487-d.)

On March 12, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Sen-Sen Chiclet Co., a corporation organized under the laws of the State of Maine, with a factory at Salem, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 31, 1911, from the State of Ohio into the State of Illinois, of a quantity of chewing gum which was misbranded. The product was labeled: (On box) "Wintergreen, U. S. Serial Number 2274 Guaranteed under the Food and Drugs Act, June 30, 1906. 20 S. Jumbo Pepsin Gum 20S 20-5¢ Packages. Retail Value \$1.00." (Around 30 tablets) "Groves Jumbo Gum (picture of elephant with Jumbo Pepsin Gum on blanket) 5¢ Wintergreen 30 Tablets 5¢ Jumbo Pepsin Gum Largest Package on earth for 5 cents. Quality Finest Manufactured by The Grove Company, 233 B'way, Salem, Ohio, U. S. A. 30 Tablets 5¢." (Around one stick) "Jumbo Pepsin Gum. Grove's Jumbo Gum (picture of elephant with word "pepsin" on blanket). Trade name registered January 30th, 1905. Jumbo Pepsin Gum. This is a Delicious and Valuable remedy for Indigestion and Dyspepsia Manufactured by Sen-Sen Chiclet Co. Successors to The Grove Co." Analysis of a sample of the product by the Bureau of Chemistry of this department showed that pepsin was absent therefrom. Misbranding of the product was alleged in the information for the reason that the statement on the label thereof "Jumbo Pepsin Gum" was false and misleading, in that it conveyed the impression that the product contained pepsin, whereas, in truth and in fact, it contained no pepsin.

On April 2, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., March 30, 1914.